

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

_____)	
DONALD MARTIN, JR.,)	
)	
Plaintiffs)	No.: 13-834C
)	
v.)	Judge Patricia E. Campbell-Smith
)	
THE UNITED STATES OF AMERICA)	Collective Action
)	
Defendant.)	
_____)	

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiffs, by their undersigned lawyers, move the Court for partial summary judgment on the two non-individualized issues not decided in the Court's Opinion and Order of July 31, 2014 (ECF No. 38):

1. Whether the Government is liable to pay liquidated damages to excepted, non-exempt employees who (a) are named or opt-in Plaintiffs in this case ("Members") and (b) as to whom the Government violated the FLSA in the 2013 Government shutdown; and
2. Whether the Government was unable to determine overtime compensation within the meaning of 29 C.F.R. § 778.106 for some or all Members who worked overtime during the week of September 29, 2013 through October 5, 2013 by their regularly scheduled paydays.

The Stipulation of Facts Not in Dispute, filed March 31, 2016 (ECF No. 151), and the accompanying declaration of Michael Lieder, including the exhibits attached to that declaration, provide factual support for this Motion. Among the exhibits are copies of declarations previously filed in this case by the following Members: . The accompanying Plaintiffs' Brief in

Support of Motion for Partial Summary Judgment contains a statement of undisputed facts and legal arguments in support of this Motion. A proposed Order also accompanies this Motion.

April 21, 2016

Respectfully submitted,

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